

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**HYPERMEDIA NAVIGATION LLC,**

Plaintiff,

v.

**YAHOO!, INC.,**

Defendant.

**CIVIL ACTION NO. 2:17-cv-59**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT**

This is an action for patent infringement in which Hypermedia Navigation LLC (“Hypermedia”) makes the following allegations against Yahoo!, Inc., (“Defendant”):

**PARTIES**

1. Hypermedia Navigation LLC is a Texas limited liability company with a principle place of business located at 5068 W. Plano Parkway, Suite 300, Plano, TX 75093.

2. Yahoo!, Inc., is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 701 First Avenue, Sunnyvale, California 94089. Yahoo may be served with process through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

**JURISDICTION AND VENUE**

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant has transacted business in this district, and have committed acts of patent infringement in this district.

5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

#### **THE HYPERMEDIA PATENTS**

6. On May 8, 2007, United States Patent No. 7,216,155 (the "'155 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '155 patent is attached hereto as Exhibit A.

7. On June 3, 2008, United States Patent No. 7,383,323 (the "'323 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '323 patent is attached hereto as Exhibit B.

8. On June 3, 2008, United States Patent No. 7,383,324 (the "'324 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '324 patent is attached hereto as Exhibit C.

9. On September 9, 2008, United States Patent No. 7,424,523 (the “ ’523 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’523 patent is attached hereto as Exhibit D.

10. On January 13, 2009, United States Patent No. 7,478,144 (the “ ’144 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’144 patent is attached hereto as Exhibit E.

11. On August 3, 2010, United States Patent No. 7,769,830 (the “ ’830 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’830 patent is attached hereto as Exhibit F.

12. On August 21, 2012, United States Patent No. 8,250,173 (the “ ’173 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’173 patent is attached hereto as Exhibit G.

13. On July 14, 2015, United States Patent No. 9,083,672 (the “ ’672 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention titled “System and Method for Creating and Navigating a Linear Hypermedia Resource Program.” A true and correct copy of the ’672 patent is attached hereto as Exhibit H.

14. The ’155 Patent, the ’323 Patent, the ’324 Patent, the ’523 Patent, the ’144 Patent, the ’830 Patent, the ’173 Patent, and the ’672 Patent are collectively referred to as the “Asserted Patents.”

15. Hypermedia is the owner of the Asserted Patents with all rights in and to the Asserted Patents.

16. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the Asserted Patents, Hypermedia has complied with such requirements.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,216,155**

17. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search) (the “Accused Instrumentalities”) that infringe claims 13, 15, and 16 of the ’155 patent.

18. Upon information and belief, Defendant has been and is now infringing claims 13, 15, and 16 of the ’155 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video search, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the ’155 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the ’155 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’155 Patent pursuant to 35 U.S.C. § 271(a).

19. The Accused Instrumentalities infringe claim 13 of the ’155 Patent as they comprise a computer readable medium tangibly embodying computer executable instructions for creating a linear Web tour comprising a linear linked-sequence of program elements on the World-Wide Web, the World-Wide Web including a plurality of Web pages stored at a common remote information node (e.g. Yahoo’s servers), each Web page having a base media element (e.g. pages returned from the Yahoo video search engine including media element(s)), the computer executable instructions comprising instructions for selecting a first base media element

corresponding to a first Web page (e.g. selecting a first video in the returned Yahoo video search); selecting a second base media element corresponding to a second Web page (e.g. selecting a second video in the returned Yahoo video search); and incorporating the first base media element and the second base media element as program elements in the linear linked-sequence of program elements (e.g. providing a list of most relevant video results for Yahoo video search) *See* Exhibit I, Figs. 1-7.

20. The Accused Instrumentalities infringe claim 15 of the '155 Patent as they comprise a computer readable medium tangibly embodying computer executable instructions to comply with claim 13 and further includes instructions for receiving a search criteria from a user wherein selecting the first base media element and selecting the second base media element are performed based on the search criteria (e.g. videos are selected based on a search term). *See* Exhibit I, Figs. 1-7.

21. The Accused Instrumentalities infringe claim 16 of the '155 Patent as they comprise a computer readable medium tangibly embodying computer executable instructions to comply with claim 13 and further includes instructions for receiving at least one search preference from a user wherein selecting the first base media element and selecting the second base media element are performed based on the search preference. *See* Exhibit I, Figs. 1-7.

22. As a result of Defendant's infringement of the '155 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 7,383,323**

23. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search) (the “Accused Instrumentalities”) that infringe claims 10, 11, 12, 17, 28, and 35 of the ’323 patent.

24. Upon information and belief, Defendant has been and is now infringing claims 10, 11, 12, 17, 28, and 35 of the ’323 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video search, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the ’323 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the ’323 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’323 Patent pursuant to 35 U.S.C. § 271(a).

25. The Accused Instrumentalities infringe claim 10 of the ’323 Patent as they perform a method for presenting video media elements to a subscriber station by receiving request from the subscriber station to present at least one video element to the subscriber (e.g. Yahoo receives a request from a user for presenting video media elements results); selecting a plurality of video media elements for presentation the subscriber station (e.g. Yahoo video search selects a plurality of video elements); creating a file for use by the subscriber station to create a user interface (e.g. Yahoo video search presents a viewing area of a user selected video); and transmitting the file to the subscriber station. *See* Exhibit J, Figs. 1-6.

26. Accused Instrumentalities infringe claim 11 of the ’323 Patent as they perform the method of claim 10 and receiving the request from the subscriber station includes receiving a search criteria and selecting the plurality of video media elements includes selecting the plurality

of video media elements based upon the search criteria (e.g. Yahoo selects videos based on search terms). *See* Exhibit J, Figs. 1-6.

27. The Accused Instrumentalities infringe claim 12 of the '323 Patent as they perform the method of claim 10 and receiving the request from the subscriber station includes receiving a search criteria and at least one search preference and selecting the plurality of video media elements includes selecting the plurality of video media elements based upon the search criteria and the at least one search preference. *See* Exhibit J, Figs. 1-6.

28. The Accused Instrumentalities infringe claim 17 of the '323 Patent as they perform the method of claim 10 and each of the plurality of video media elements for presentation to the subscriber station resides on a common Web Site. *See* Exhibit J, Figs. 1-6.

29. The Accused Instrumentalities infringe claim 28 of the '323 Patent as they comprise a computer readable medium tangibly comprising computer executable instructions for receiving a request from the subscriber station to present at least one video media element to the subscriber station and selecting a plurality of video media elements for presentation to the subscriber station (e.g. Yahoo receives a request and selects videos for presentation), the plurality of video elements include a first video media element and a plurality of second video media elements; creating a file for use by the subscriber station to create a user interface that includes a viewing area in which the first video media element is presented and a map area having a plurality of icons (e.g. Yahoo present a user interface to a subscriber); and transmitting the file to the subscriber station. *See* Exhibit J, Figs. 7-12.

30. The Accused Instrumentalities infringe claim 35 of the '323 Patent as they comprise a computer readable medium tangibly comprising computer executable instructions for performing

the steps of claim 28 and each of the plurality of video media elements for presentation to the subscriber station resides on a common Web site. *See* Exhibit J, Figs. 7-12.

31. As a result of Defendant's infringement of the '323 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

**COUNT III**  
**INFRINGEMENT OF U.S. PATENT NO. 7,383,324**

32. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or Yahoo Music) (the "Accused Instrumentalities") that infringe claims 1, 2, and 4 of the '324 patent.

33. Upon information and belief, Defendant has been and is now infringing claims 1, 2, and 4 of the '324 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video search and/or Yahoo Music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '324 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '324 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '324 Patent pursuant to 35 U.S.C. § 271(a).

34. The Accused Instrumentalities infringe claim 1 of the '324 Patent as they perform a method for presenting video media elements to a subscriber station by receiving request from the subscriber station to present at least one video element to the subscriber (e.g. Yahoo receives a request from a user for presenting video media elements results); selecting a plurality of video



media elements for presentation the subscriber station (e.g. Yahoo video search selects a plurality of video elements); creating a file for use by the subscriber station to create a user interface (e.g. Yahoo video search presents a viewing area of a user selected video); and transmitting the file to the subscriber station. *See* Exhibit K, Figs. 1-9.

35. The Accused Instrumentalities infringe claim 2 of the '324 Patent as they perform the method of claim 1 and each of the first plurality of video media elements and the second plurality of video elements are associated with the Web site. *See* Exhibit K, Figs. 1-9.

36. The Accused Instrumentalities infringe claim 4 of the '324 Patent as they perform the method of claim 1 and wherein receiving the search criteria from the subscriber station comprises receiving a search term and selecting the second plurality of video media elements based upon the search criteria comprises using the search term to select the second plurality of video media elements. *See* Exhibit K, Figs. 1-9

37. As a result of Defendant's infringement of the '324 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

**COUNT IV**  
**INFRINGEMENT OF U.S. PATENT NO. 7,424,523**

38. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or its Yahoo video search and/or Yahoo music) (the "Accused Instrumentalities") that infringe claims 6 and 7 of the '523 patent.

39. Upon information and belief, Defendant has been and is now infringing claims 6 and 7 of the '523 Patent in the State of Texas, in this Judicial District, and elsewhere in the United

States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or its Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '523 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '523 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '523 Patent pursuant to 35 U.S.C. § 271(a).

40. The Accused Instrumentalities infringe claim 6 of the '523 Patent as they perform a method for navigating a linear Web program by sending data from a remote information node to display, on a display device at a user location, a first media element of the plurality of media elements from the single Website (e.g. Yahoo video search sends to a user video search results);, the first media element having a forward link to a second media element of the linear Web program, and to display a forward link indicator on the display device; receiving a first signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display on the display device (e.g. Yahoo providing a forward link to the next media element and displaying the next media element); and receiving a second signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display on the display device, the third media element of the linear Web program (e.g. Yahoo presenting a third media element after receiving a second signal). *See* Exhibit L, Figs. 1-6.

41. The Accused Instrumentalities infringe claim 7 of the '523 Patent as they perform the method of claim 6 and the forward link indicator includes a forward link button. *See* Exhibit L, Figs. 1-6.

42. As a result of Defendant's infringement of the '523 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

**COUNT V**  
**INFRINGEMENT OF U.S. PATENT NO. 7, 478,144**

43. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or its Yahoo video search and/or Yahoo music) (the "Accused Instrumentalities") that infringe claims 39, 40, 43, 44, 46, and 48 of the '144 patent.

44. Upon information and belief, Defendant has been and is now infringing claims 39, 40, 43, 44, 46, and 48 of the '144 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or its Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '144 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '144 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '144 Patent pursuant to 35 U.S.C. § 271(a).

45. The Accused Instrumentalities infringe claim 39 of the '144 Patent as they perform a method for searching for video media elements and presenting information regarding a plurality of found video media elements to a subscriber station by receiving a search request from the subscriber station to perform a video media element search, the search request including at least one search term and an indication to search for video media elements (e.g. Yahoo receives a search term); searching for video media elements based upon the search request to produce the

information regarding the plurality of found video media elements; creating a file for use by the subscriber station to create a user interface that includes the information regarding the plurality of found video media elements (e.g. Yahoo provides a user interface to the subscriber station); and transmitting the file to the subscriber station. *See* Exhibit M, Figs. 7-10.

46. The Accused Instrumentalities infringe claim 40 of the '144 Patent as they perform the method of claim 39 and the user interface includes a viewing area in which at least one image of the plurality of found video media elements is presented and a map area in which information regarding some of the plurality of found video media elements is presented. *See* Exhibit M, Figs. 7-10.

47. The Accused Instrumentalities infringe claim 43 of the '144 Patent as they perform the method of claim 39 and the file further includes at least one found video media element. *See* Exhibit M, Figs. 7-10.

48. The Accused Instrumentalities infringe claim 44 of the '144 Patent as they perform a method for performing a search for media elements and for providing the media elements to a subscriber station by receiving a search request from the subscriber station to perform a search for media elements (e.g. Yahoo receives a search request from a user); searching for media elements based upon the search request to produce a plurality of found media elements (e.g. Yahoo searches and produces a plurality of video search results); selecting, from the plurality of found media elements, a first media element; selecting from the plurality of found media elements, a plurality of second media elements (e.g. Yahoo video search provides a linear result of a first media element along with a plurality of second media elements); and creating a file for use by the subscriber station to create a user interface (e.g. Yahoo video search creates a return of results in a user interface format). *See* Exhibit M, Figs. 1-6.

49. The Accused Instrumentalities infringe claim 46 of the '144 Patent as they perform the method of claim 44 and the map area of the user interface includes links to the plurality of second media elements. *See* Exhibit M, Figs. 1-6.

50. The Accused Instrumentalities infringe claim 48 of the '144 Patent as they perform the method of claim 44 and the information regarding the plurality of second media elements comprise icons representative of corresponding media elements. *See* Exhibit M, Figs. 1-6.

51. As a result of Defendant's infringement of the '144 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

**COUNT VI**  
**INFRINGEMENT OF U.S. PATENT NO. 7,769,830**

52. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or Yahoo music) (the "Accused Instrumentalities") that infringe claims 1, 2, 3, 4, 12, 15, 16, 18, 19, 24, and 25 of the '830 patent.

53. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 12, 15, 16, 18, 19, 24, and 25 of the '830 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '830 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '830 Patent under the doctrine of

equivalents. Defendant is thus liable for infringement of the '830 Patent pursuant to 35 U.S.C. § 271(a).

54. The Accused Instrumentalities infringe claim 1 of the '830 Patent as they perform a method for operating at least one web server to present video media elements to a subscriber station by receiving a web page request from the subscriber station (e.g. the Yahoo server receives a request from a user); in response to receiving the web page request, the at least one web server creating at least one web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes a viewing area and a map area (e.g. Yahoo generates a response viewable by a user that includes a viewing area and a map area); and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station . *See* Exhibit N, Figs. 1-7.

55. The Accused Instrumentalities infringe claim 2 of the '830 Patent as they perform the method of claim 1 and receiving the web page request from the subscriber station includes the at least one web server receiving a search criteria and the at least one web server selecting the first video media element and the plurality of second video media elements based upon the search criteria (e.g. Yahoo selects videos based on the search term). *See* Exhibit N, Figs. 1-7.

56. The Accused Instrumentalities infringe claim 3 of the '830 Patent as they perform the method of claim 1 and further receives a search criteria by the at least one web server from the subscriber station and selects the first video media element and the plurality of second video media elements by the at least one web server based upon the search criteria. *See* Exhibit N, Figs. 1-7.

57. The Accused Instrumentalities infringe claim 4 of the '830 Patent as they perform the method of claim 1 and receives a selection from the subscriber station of one of the plurality

of second video media elements for display in the viewing area by the at least one web server. *See* Exhibit N, Figs. 1-7.

58. The Accused Instrumentalities infringe claim 12 of the '830 Patent as they perform the method of claim 1 and at least some icons of the map area convey subjects corresponding to second video media elements. *See* Exhibit N, Figs. 1-7.

59. The Accused Instrumentalities infringe claim 15 of the '830 Patent as they perform a method for presenting video media elements to a subscriber station by at least one web server by creating at least one web page by the at least one web server for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes a viewing area in which a first video media element is presented and a map area in which a plurality of icons are presented (e.g. Yahoo creates a web page for use by the subscriber station), each icon representative of a corresponding one of a plurality of second video media elements; receiving a web page request from the subscriber station; and responding to the web page request by initiating download of the at least one web page to the subscriber station. *See* Exhibit N, Figs. 8-13.

60. The Accused Instrumentalities infringe claim 16 of the '830 Patent as they perform the method of claim 15 and the plurality of video media elements are selected by the web server after receipt of the web page request from the subscriber station. *See* Exhibit N, Figs. 8-13.

61. The Accused Instrumentalities infringe claim 18 of the '830 Patent as they perform the method of claim 15 and further receives a search criteria and selects the first video media element and the plurality of second video media elements by based upon the search criteria (e.g. Yahoo selects videos based on a search term). *See* Exhibit N, Figs. 8-13.

62. The Accused Instrumentalities infringe claim 19 of the '830 Patent as they perform the method of claim 15 and further receives a selection from the subscriber station of the plurality of second video media elements for displaying in the viewing area. *See* Exhibit N, Figs. 8-13.

63. The Accused Instrumentalities infringe claim 24 of the '830 Patent as they perform the method of claim 15 and at least some icons of the map area convey subjects of corresponding second video media elements.. *See* Exhibit N, Figs. 8-13.

64. The Accused Instrumentalities infringe claim 25 of the '830 Patent as they perform the method of claim 15 and the plurality of video media elements for presentation to the subscriber station resides on a common Web site. *See* Exhibit N, Figs. 8-13.

65. As a result of Defendant's infringement of the '830 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

**COUNT VII**  
**INFRINGEMENT OF U.S. PATENT NO. 8,250,173**

66. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or Yahoo music) (the "Accused Instrumentalities") that infringe claims 1, 2, 6, 7, 8, 9, 11, 12, 13, 15, 16, 20, 24, and 25 of the '173 patent.

67. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 6, 7, 8, 9, 11, 12, 13, 15, 16, 20, 24, and 25 of the '173 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities,



covered by one or more claims of the '173 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '173 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '830 Patent pursuant to 35 U.S.C. § 271(a).

68. The Accused Instrumentalities infringe claim 1 of the '173 Patent as they perform a method for operating at least one web server to present video media elements to a subscriber station by receiving a web page request from the subscriber station (e.g. the Yahoo server receives a request from a user); in response to receiving the web page request, the at least one web server accessing a web page for use by a browser of the subscriber station to produce a user interface at the subscriber station (e.g. Yahoo generates a response viewable by a user that includes a viewing area and a map area) and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station. *See* Exhibit O, Figs. 1-7.

69. The Accused Instrumentalities infringe claim 2 of the '173 Patent as they perform the method of claim 1 and the preview of the first media element comprises a still image. *See* Exhibit O, Figs. 1-7.

70. The Accused Instrumentalities infringe claim 5 of the '173 Patent as they perform the method of claim 1 and further receives a selection from the subscriber station of the corresponding video media element and services the selection by causing presentation of the corresponding video media element on the subscriber station. *See* Exhibit O, Figs. 1-7.

71. The Accused Instrumentalities infringe claim 6 of the '173 Patent as they perform the method of claim 1 and further receives a selection from the subscriber station of one of the plurality of second video media and services the selection by causing presentation of the selected

one of the plurality of second video media elements on the subscriber station. *See* Exhibit O, Figs. 1-7.

72. The Accused Instrumentalities infringe claim 7 of the '173 Patent as they perform the method of claim 1 and further receives a search criteria from the subscriber station and selects the first video media element and the plurality of second video media elements based upon the search criteria. *See* Exhibit O, Figs. 1-7.

73. The Accused Instrumentalities infringe claim 8 of the '173 Patent as they perform the method of claim 7 and further receives a selection from the subscriber station of one of the plurality of second video media elements for display in the viewing area. *See* Exhibit O, Figs. 1-7.

74. The Accused Instrumentalities infringe claim 9 of the '173 Patent as they perform the method of claim 1 and receiving the web page request from the subscriber station by the at least one web server includes receiving a search criteria and at least one search preference and further comprises selecting the first video media element and the plurality of second video media elements based upon the search criteria and the at least one search preference. *See* Exhibit O, Figs. 1-7.

75. The Accused Instrumentalities infringe claim 11 of the '173 Patent as they perform the method of claim 1 and the plurality of video media elements are selected by the at least one web server after receipt of the web page request from the subscriber station. *See* Exhibit O, Figs. 1-7.

76. The Accused Instrumentalities infringe claim 12 of the '173 Patent as they perform the method of claim 1 and at least some icons of the map area convey subjects of corresponding second video media elements. *See* Exhibit O, Figs. 1-7.

77. The Accused Instrumentalities infringe claim 13 of the '173 Patent as they perform the method of claim 1 and the plurality of video media elements for presentation to the subscriber station reside on a common Web site. *See* Exhibit O, Figs. 1-7

78. The Accused Instrumentalities infringe claim 15 of the '173 Patent as they perform a method for presenting video media elements to a subscriber station by at least one web server by receiving a web page request from the subscriber station that includes a search criteria (e.g. the Yahoo Video search receives a web page request that includes a search criteria); retrieving a plurality of video media elements based upon the search criteria; creating at least one web page by the at least one web server for use by a browser of the subscriber station to produce a user interface (e.g. Yahoo generates a response viewable by a user that includes a viewing area and a map area); and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station. *See* Exhibit O, Figs 8-14.

79. The Accused Instrumentalities infringe claim 16 of the '173 Patent as they perform the method of claim 15 and further receives a selection from the subscriber station of a corresponding video media element and services the selection by causing presentation of the corresponding video media element on the subscriber station. *See* Exhibit O, Figs. 8-14.

80. The Accused Instrumentalities infringe claim 20 of the '173 Patent as they perform the method of claim 15 and further receives a selection from the subscriber station of one of the selected one of the plurality of second video media elements and services the selection by causing presentation of the selected one of the plurality of second video media elements on the subscriber station. *See* Exhibit O, Figs. 8-14.

81. The Accused Instrumentalities infringe claim 24 of the '173 Patent as they perform the method of claim 15 and at least some icons of the map area convey subjects of corresponding video media elements. *See* Exhibit O, Figs. 8-14.

82. The Accused Instrumentalities infringe claim 16 of the '173 Patent as they perform the method of claim 15 and the plurality of video media elements for presentation to the subscriber station resides on a common Web site. *See* Exhibit O, Figs. 8-14

83. As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

**COUNT VIII**  
**INFRINGEMENT OF U.S. PATENT NO. 9,083,672**

84. Defendant directly or through its intermediaries, make, use, import, sell, and/or offer for sale products and/or systems (*i.e.*, the Yahoo search engine and/or Yahoo video search and/or Yahoo Music) (the "Accused Instrumentalities")) that infringe claims 14, 15, 16, 17, 18, and 19 of the '672 patent.

85. Upon information and belief, Defendant has been and is now infringing claim 14 of the '672 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale the Yahoo search engine and/or Yahoo video search and/or Yahoo music, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '672 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '672 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '672 Patent pursuant to 35 U.S.C. § 271(a).

86. The Accused Instrumentalities infringe claim 14 of the '672 Patent as they perform a method for presenting a linear program of video elements by displaying a plurality of indicators in a map area of a display screen (e.g. Yahoo Video Search displays a plurality of potential videos in a map area); displaying a forward link indicator corresponding to a next program element of the linear program of video elements (e.g. Yahoo Video Search provides a forward link tied to a next video); selecting the next program element of the linear program of video elements in response to a user selection of the forward link indicator; and displaying the selected next program element in a viewing area of the display screen, wherein the video elements are stored on a server. *See* Exhibit P, Figs. 1-6.

87. The Accused Instrumentalities infringe claim 15 of the '672 Patent as they perform the method of claim 14 and in response to a user selection of one of the plurality of indicators, selecting a selected video element corresponding to one of the first, second, or third video element. *See* Exhibit P, Figs. 1-6.

88. The Accused Instrumentalities further infringe claim 16 of the '672 Patent as they perform the method of claim 14 and in response to user selection of one of the plurality of indicators, highlights the corresponding one of the first, second, or third video element. *See* Exhibit P, Figs. 1-6.

89. The Accused Instrumentalities further infringe claim 17 of the '672 Patent as they perform the method of claim 14 and displays a backward link indicator corresponding to a previous program element of a linear program of video elements. *See* Exhibit P, Figs. 1-6.

90. The Accused Instrumentalities further infringe claim 18 of the '672 Patent as they perform the method of claim 14 and displays the linear program of video elements to a subscriber station at a user location over the internet. *See* Exhibit P, Figs. 1-6.

91. The Accused Instrumentalities further infringe claim 19 of the '672 Patent as they perform the method of claim 14 and receives a user search request and generates the linear program of video elements in response to a user search request. *See* Exhibit P, Figs. 1-6.

92. As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

### **JURY DEMAND**

Hypermedia hereby requests a trial by jury on all issues so triable by right.

### **PRAYER FOR RELIEF**

Hypermedia requests that the Court find in their favor and against Defendant, and that the Court grant Hypermedia the following relief:

- a. Judgment that one or more claims of the Asserted Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant accounts for and pay to Hypermedia all damages and costs incurred by Hypermedia, caused by Defendant's infringing activities and other conduct complained of herein;
- c. That Hypermedia be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award Hypermedia reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Hypermedia be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED January 18, 2017.

Respectfully submitted,

By: /s/ Hao Ni

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